

1 :BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
2 E. MARTIN ESTRADA
United States Attorney
3 JAMIE ANN YAVELBERG
DAVID WISEMAN
4 MATTHEW J. OSTER
LINDSEY A. ROBERTS
5 JESSICA M. SARKIS
ROHITH V. SRINIVAS
6 United States Department of Justice
P.O. Box 261, Ben Franklin Station
7 Washington, D.C. 20044
Tel: (202) 307-6244 Fax: (202) 307-3852
8 E-mail: matthew.j.oster@usdoj.gov
DAVID M. HARRIS, AUSA
9 Chief, Civil Division
ROSS M. CUFF, AUSA
10 Chief, Civil Fraud Section
JACK D. ROSS, AUSA
11 Deputy Chief, Civil Fraud Section
KAREN PAIK, AUSA (Cal. Bar No. 288851)
12 Room 7516, Federal Building
300 N. Los Angeles Street
13 Los Angeles, California 90012
Tel: (213) 894-8561 Fax: (213) 894-7819
14 Email: karen.paik@usdoj.gov
Attorneys for the United States of America

15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 UNITED STATES *ex rel.* SINGH,
18 Plaintiff,
19 v.
20 PAKSN, INC., *et al.*,
21 Defendants.
22

No. CV 15-09064 SB (AGR_x)

**JOINT NOTICE REGARDING
SETTLEMENT DISCUSSIONS**

Trial Date: Nov. 20, 2023

Honorable Stanley Blumenfeld, Jr.
United States District Judge
Courtroom 6C

1 The Court's Civil Standing Order, Section 8(f), provides, among other things, that
2 "Counsel *must* notify the Court at least two weeks before the scheduled hearing if the
3 parties are conducting settlement discussions that may render the motion moot[.]"
4 Pursuant to this requirement, and to apprise the Court of the relevant history and status
5 of settlement discussions in this case, the Parties respectfully provide the following
6 information:

7 In November 2020, before intervening in this lawsuit, government counsel made a
8 presentation to predecessor defense counsel on the United States' tentative investigative
9 findings. To the extent Defendants had limited financial means, the United States
10 invited Defendants to engage in settlement discussions on an "ability to pay" basis, that
11 is, based on Defendants' financial condition – a process that requires parties to submit
12 certain financial materials for review by DOJ financial analysts. While predecessor
13 defense counsel initially expressed interest in making a substantive rebuttal presentation,
14 they later indicated that the COVID-19 pandemic prevented them from being able to do
15 so. *See* ECF No. 93 (Joint Rule 26(f) Report) at 11:11-15. They further indicated that
16 Defendants were not, at that time, interested in pursuing settlement discussions,
17 including on an ability-to-pay basis.

18 In November 2022, the Parties participated in a voluntary mediation with a private
19 mediator. That mediation ended at an impasse based on Defendants' representations
20 regarding their financial means, and with an understanding among the Parties and
21 mediator that the Parties would pursue ability-to-pay settlement discussions.

22 With the assistance of successor defense counsel, Defendants are now in the
23 process of compiling financial materials necessary to verify their financial condition and
24 allow for ability-to-pay settlement discussions. While it is unlikely that Defendants will
25 be in a position to submit those materials to the United States by the Court's June 9,
26 2023 summary judgment argument, the Parties respectfully submit this Joint Notice to
27 apprise the Court of the status of settlement efforts in this case, and of the possibility that
28 settlement discussions thereafter may moot the pending summary judgment motions.

1
2 *Local Rule 5-4.3.4(a)(2)(i) Compliance: Filer attests that all other signatories*
3 *listed concur in the filing's content and have authorized this filing.*
4

5
6 Dated: May 26, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

E. MARTIN ESTRADA
United States Attorney

/s/ Matthew J. Oster
JAMIE ANN YAVELBERG
DAVID WISEMAN
MATTHEW J. OSTER
LINDSEY A. ROBERTS
JESSICA M. SARKIS
ROHITH V. SRINIVAS
Attorneys, Civil Division
U.S. Department of Justice
175 N Street, N.E.
Washington, D.C. 20002
(202) 307-6244
Matthew.J.Oster@usdoj.gov

DAVID M. HARRIS, AUSA
Chief, Civil Division
ROSS M. CUFF, AUSA
Chief, Civil Fraud Section
KAREN PAIK
Assistant United States Attorney

Attorneys for the United States of America

21 Dated: May 26, 2023

STEPHEN GARCIA
BILL ARTIGLIERE
MATTHEW COMAN
Garcia & Artigliere LLP

/s/ Matthew Coman

Attorneys for Plaintiff-Relator Trilochan Singh

1 Dated: May 26, 2023

2 NAOMI CHUNG
3 BRENDAN HICKEY
4 Hickey & Chung LLP

5 /s/ Naomi Chung

6 *Attorneys for Defendants Prema Thekkek, Paksn,*
7 *Inc., Kayal, Inc., Nadhi, Inc., Oakrheem, Inc.,*
8 *Bayview Care, Inc., Thekkek Health Services, Inc.,*
9 *Aakash, Inc., and Nasaky, Inc.*